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PTO/SB/21 (08-00)

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# **TRANSMITTAL FORM**

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**Total Number of Pages in This Submission**

**Application Number** 09/462,681

**Filing Date** April 28, 2000

**First Named Inventor** FitzGerald, David

## **Group Art Unit**

Examiner Name \_\_\_\_\_ Portnoy \_\_\_\_\_

**Examiner Name** Portner, Virginia

JUL 16 2001

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**ENCLOSURES (check all that apply)**

- |                                                                                    |                                                                                             |                                                                                                                                  |
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| <input type="checkbox"/> Fee Attached                                              | <input type="checkbox"/> Drawing(s)                                                         | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences                                              |
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| <input type="checkbox"/> After Final                                               | <input type="checkbox"/> Petition Routing Slip (PTO/SB/69)<br>and Accompanying Petition     | <input type="checkbox"/> Proprietary Information                                                                                 |
| <input type="checkbox"/> Affidavits/declaration(s)                                 | <input type="checkbox"/> Petition to Convert to a<br>Provisional Application                | <input type="checkbox"/> Status Letter                                                                                           |
| <input type="checkbox"/> Extension of Time Request                                 | <input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address  | <input checked="" type="checkbox"/> Other Enclosure(s)<br><i>(please identify below):</i>                                        |
| <input type="checkbox"/> Express Abandonment Request                               | <input type="checkbox"/> Terminal Disclaimer                                                | Return Postcard; Sequence listing<br>diskette; Communication Under 37 CFR<br>1.821-1.825; printed sequence listing<br>pages 1-9. |
| <input type="checkbox"/> Information Disclosure Statement                          | <input type="checkbox"/> Request for Refund                                                 |                                                                                                                                  |
| <input type="checkbox"/> Certified Copy of Priority<br>Document(s)                 | <input type="checkbox"/> CD, Number of CD(s)                                                |                                                                                                                                  |
| <input type="checkbox"/> Response to Missing Parts/<br>Incomplete Application      |                                                                                             |                                                                                                                                  |
| <input type="checkbox"/> Response to Missing<br>Parts under 37 CFR<br>1.52 or 1.53 |                                                                                             |                                                                                                                                  |
| Remarks                                                                            | The Commissioner is authorized to charge any additional fees to<br>Deposit Account 20-1430. |                                                                                                                                  |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm and Individual name	Townsend and Townsend and Crew LLP Kenneth A. Weber	Reg No. 31,677
Signature		
Date	07/09/2001	

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By

*John J. Tane*



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

FITZGERALD, David J.

Application No.: 09/462,682

Filed: April 28, 2000

For: PSEUDOMONAS EXOTOXIN A-LIKE CHIMERIC IMMUNOGENS

Examiner: Portner, Virginia

Art Unit: 1645

**COMMUNICATION UNDER**

**37 C.F.R. §§ 1.821-1.825**

**AND**

**AMENDMENT**

Box SEQUENCE

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures, 37 C.F.R. §§ 1.821-1.825, that accompanied the Examiner's Communication mailed June 8, 2001, Applicants submit herewith the required paper copy and computer readable copy of the Substitute Sequence Listing. Please amend the specification in adherence with 37 C.F.R. §§ 1.821-1.825 as follows.

**In the Specification:**

Please replace the paragraph beginning at page 30, line 14, with the following:

A/

--PE-like chimeric immunogens also can comprise an amino acid sequence encoding an "endoplasmic reticulum retention domain." The endoplasmic reticulum ("ER") retention domain functions in translocating the chimeric protein to from the endosome to the endoplasmic reticulum,